

MINUTES OF THE CITY COUNCIL

CITY OF AUSTIN, TEXAS

Regular Meeting

August 12, 1965
10:00 A.M.

Council Chamber, City Hall

The meeting was called to order with Mayor Palmer presiding.

Roll call:

Present: Councilmen LaRue, Long, Shanks, White, Mayor Palmer
Absent: None

Present also: W. T. Williams, Jr., City Manager; Doren R. Eskew, City Attorney; Reuben Rountree, Jr., Director of Public Works; Burch Biggerstaff, Major of Police

Invocation was delivered by FATHER DONALD FORRESTER, St. Austin's Catholic Church.

FATHER FORRESTER read a letter from the Lord Mayor of Dublin, conveying good wishes from Dublin to the City of Austin. The Mayor announced Father Forrester was moving to Rome, and wished him well in his new assignment.

Councilman Long moved that the zoning hearings be recessed for a few minutes, to hear some distinguished citizens. The motion, seconded by Councilman White, carried by the following vote:

Ayes: Councilmen LaRue, Long, Shanks, White, Mayor Palmer
Noes: None

The President of the Austin Aqua Festival, COLONEL VANCE MURPHY, expressed appreciation to the Council and City Departments for doing so much to make the Aqua Festival the success it has been. He introduced MISS AUSTIN of the Aqua Festival of 1965, and the first and second runners up. The Mayor expressed appreciation for everything Colonel Murphy and the others had done to make the Aqua Festival an outstanding occasion, and noted Austin's Festival ranks among the top ten in the nation, although it has been in existence only four years.

Councilman LaRue moved that MR. JOHN COFER be heard. The motion was seconded by Councilman White. Roll call showed a unanimous vote.

MR. JOHN COFER, on behalf of the Bar, in connection with the program they adopted to insure that indigents should have fair representation in Court, read a resolution urging the Council to arrange for a night Magistrate Court. He explained the new law and stated the idea was that criminal cases should be made through investigation of facts rather than basing the prosecution on confessions. Mayor Palmer stated the Council for many years had considered the possibility of a night court and most all of the Council had indicated a willingness to this, but it will be necessary to find the necessary money. The Mayor thanked Mr. Cofer for his presentation.

Pursuant to published notice thereof the following zoning applications were publicly heard:

PHILLIP BAKER	1008 (1010-1012) East 11th Street	From "C-1" Commercial 2nd Height & Area To "C-2" Commercial 2nd Height & Area RECOMMENDED by the Planning Commission
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Councilman LaRue moved that the change to "C-2" Commercial 2nd Height and Area be granted. The motion, seconded by Councilman Shanks, carried by the following vote:

Ayes: Councilmen LaRue, Long, Shanks, White, Mayor Palmer
Noes: None

The Mayor announced that the change had been granted to "C-2" Commercial 2nd Height and Area and the City Attorney was instructed to draw the necessary ordinance to cover.

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HOMART DEVELOPMENT CO. By Jack Hieronymus	300 Hancock Center (1000 East 41st Street)	From "GR" General Retail To "C-1" Commercial RECOMMENDED by the Planning Commission
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Councilman Long moved that the change to "C-1" Commercial be granted. The motion, seconded by Councilman LaRue, carried by the following vote:

Ayes: Councilmen LaRue, Long, Shanks, White, Mayor Palmer
Noes: None

The Mayor announced that the change had been granted to "C-1" Commercial and the City Attorney was instructed to draw the necessary ordinance to cover.

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TRUMAN MORRIS
By Sterling Sasser, Sr. 5255 Burnet Road
1609-1617 North Loop
Boulevard

From "C" Commercial &
"A" Residence 1st
& 2nd Height &
Area
To "C-1" Commercial 2nd
Height & Area
RECOMMENDED by the
Planning Commission

Councilman White moved that the change to "C-1" Commercial 2nd Height and Area be granted. The motion, seconded by Councilman Shanks, carried by the following vote:

Ayes: Councilmen LaRue, Long, Shanks, White, Mayor Palmer
Noes: None

The Mayor announced that the change had been granted to "C-1" Commercial 2nd Height and Area and the City Attorney was instructed to draw the necessary ordinance to cover.

G. B. WOODY
By E.H. Smartt 3105 (3113-3115) North
Interregional Highway

From "A" Residence
To "B" Residence
RECOMMENDED by the
Planning Commission

Mr. Herbert Smartt stated they were agreeable to providing the screening--either a hedge or fence at the back of the lot. Councilman White moved that the change to "B" Residence be granted. The motion, seconded by Councilman Shanks, carried by the following vote:

Ayes: Councilmen LaRue, Long, Shanks, White, Mayor Palmer
Noes: None

The Mayor announced that the change had been granted to "B" Residence and the City Attorney was instructed to draw the necessary ordinance to cover.

JOE PERRONE
1816 South Lamar
Boulevard

From "C-1" Commercial
2nd Height & Area
To "C-2" Commercial
2nd Height & Area
RECOMMENDED by the
Planning Commission

Councilman White moved that the change to "C-2" Commercial 2nd Height and Area be granted. The motion, seconded by Councilman Long, carried by the following vote:

Ayes: Councilmen LaRue, Long, Shanks, White, Mayor Palmer
Noes: None

The Mayor announced that the change had been granted to "C-2" Commercial

2nd Height and Area and the City Attorney was instructed to draw the necessary ordinance to cover.

BULLARD COMPANY
By W. H. Bullard

1102-1104 Koenig Lane

From "B" Residence
To "GR" General Retail
RECOMMENDED by the
Planning Commission

Councilman White moved that the change to "GR" General Retail be granted. The motion, seconded by Councilman Shanks, carried by the following vote:

Ayes: Councilmen LaRue, Long, Shanks, White, Mayor Palmer

Noes: None

The Mayor announced that the change had been granted to "GR" General Retail and the City Attorney was instructed to draw the necessary ordinance to cover.

DEZENDORF MARBLE CO.
By Irene B. Bilbrough,
President

909 East 49 $\frac{1}{2}$ Street
4904-4906 Bennett Street
Additional Area
907 East 49 $\frac{1}{2}$ Street

From "A" Residence
To "O" Office
RECOMMENDED by the
Planning Commission
except for 907 East
49 $\frac{1}{2}$ Street which was
recommended "GR"
General Retail

The applicant stated the recommendation of the Planning Commission was acceptable. Councilman Shanks moved that the change be granted as recommended by the Planning Commission. The motion, seconded by Councilman LaRue, carried by the following vote:

Ayes: Councilmen LaRue, Long, Shanks, White, Mayor Palmer

Noes: None

The Mayor announced that the change had been granted to "O" Office except for 907 East 49 $\frac{1}{2}$ Street which was granted to "GR" General Retail and the City Attorney was instructed to draw the necessary ordinance to cover.

HOWARD E. JOHNSON

Rear of 5601 Sunshine
Drive
5603-5611 Sunshine Drive

From "A" Residence
To "B" Residence
RECOMMENDED by the
Planning Commission

Mr. Johnson appeared in his behalf, stating in 1961 he was granted "GR" General Retail for a part of his tract, and dedicated sufficient land to

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straighten the street, and ran utilities to his property. Opposition was expressed by MR. M. E. RENFRO, stating Stark Street had been widened, and parking is a serious problem for the students at McCallum. An apartment building at this location would add to the congestion, and he suggested Mr. Johnson try to sell the schools this property for a parking area for the students. He did not believe it was good planning to recommend this as an apartment area. Opposition was expressed also by Johnnie E. Mogonye, 905 Stark, stating this apartment would be right in back of his home, and apartments would not be suitable in front of the school. His view of the City would be obstructed by a two story structure. He strongly opposed the zoning stating apartments could soon become slums. After discussion, Councilman Shanks moved that the Council sustain the Planning Commission and grant the zoning. The motion, seconded by Councilman White, carried by the following vote:

Ayes: Councilmen LaRue, Long, Shanks, White, Mayor Palmer
Noes: None

The Mayor announced that the change had been granted to "B" Residence and the City Attorney was instructed to draw the necessary ordinance to cover.

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J. M. BOYER
By Robert Mueller
and Harry Vine

2109 (2105-2111) Redwood

From "A" Residence
To "C" Commercial
NOT Recommended by the
Planning Commission
RECOMMENDED "GR"
General Retail

Mr. Robert Mueller represented Mr. Boyer who has a contract to purchase this property. Mr. Harry Vine, representing Mr. Albert Goeke and Mr. F. M. Pfaefflen, described the area and the zoning in the vicinity. He described the physical characteristics, stating east of Redwood Street was an old abandoned city limit line. As a compromise, on the Planning Commission's recommendation of "GR" General Retail for the total of Lot 5, he asked that Austin Fabricators, Inc., be granted "GR" General Retail for the first 165' in depth to protect Pershing Drive and from the abandoned city limit line back to the east lot line be changed to "C" Commercial. This would protect Pershing Drive and esthetics to the approach to the Airport, still permitting Mr. Boyer the opportunity to use his property. He said this proposed commercial is shown on the Austin Development Plan. His compromise was summarized as zoning the front of Lot 5, "GR" General Retail to 165' depth; and from the old abandoned city limit line extending to the east line of Lot 5 be zoned "C" Commercial. The City Attorney discussed a drainage creek running through the area, and asked if Mr. Boyer's operation did not include this drainage, if he would be willing to sell that portion to the City so that it might be added to the golf course. Mr. Mueller said he believed Mr. Boyer would be willing to sell that portion. The Director of Planning stated this area had been recommended as "O" Office. The Commission recommended "GR" General Retail to enable Mr. Boyer to expand his operations in the "GR" General Retail by Special Permit as industry should be expanded only by Special Permits. Mr. Mueller was not agreeable to this. Avigation easements were discussed, and it was stated this property was covered by the Airport zoning. Councilman Shanks moved that the Council grant the 165' depth "GR" General

Retail (165' from the right of way), and the remaining parcel of land be granted "C" Commercial. The motion, seconded by Councilman LaRue, carried by the following vote:

Ayes: Councilmen LaRue, Long, Shanks, White, Mayor Palmer
 Noes: None

The Mayor announced that the change had been granted to "GR" General Retail for a depth of 165' and to "C" Commercial for the remaining parcel of land and the City Attorney was instructed to draw the necessary ordinance to cover.

ROBERT L. OGDEN	612 Winflo Drive Additional Area 610 Winflo Drive	From "B" Residence 2nd Height & Area To "O" Office 2nd Height & Area NOT Recommended by the Planning Commission
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Mr. Ogden represented himself, and displayed a map showing the various zonings in the area. His lot adjoined a used car parking lot. He wanted to construct an Engineering Office on his property for his own use. Objections expressed at the hearing before the Planning Commission were based on the area's deed restrictions, but he was not asking for commercial; that this would be detrimental to property values; and cars from the used car lot are parked in the street, and his proposal would create an additional traffic hazard. Mr. Ogden stated desirable planning envisioned going from Commercial to Office to Residential. This lot has never been sold for a residence as it is not a good place for a house. It is zoned for apartments. The houses in the subdivision face away from his location. In this particular subdivision there are 14 residences and 12 rental houses. He stated a small office would be a perfect use, and an engineer's office was not a traffic generator. He displayed pictures of the area. Opposition was expressed by MR. H. B. DUNAGAN, 701 Brownlee Circle, stated there were no problems emerging from the commercial development on 6th Street; but Mr. Ogden's property was in a different geography, and is just not set up for anything other than for a residential area. He showed a big write up of the Smoot home, stating Mr. Ogden's property would be right in front of that. MR. A. W. NOWLIN explained the restrictions on his property prevented the building of a two-story structure. Opposition was expressed by MRS. GORDON SHEARER, JR., 702 Brownlee Circle, stating they purchased with the explicit understanding that their lots would not be encroached upon by any commercial, and she asked that their neighborhood be protected. Mr. Pipkin noted the street was narrow, and the zoning should have a stopping point. Mrs. Robert Hamby, Mrs. Allen Nowlin, and Mrs. W. R. Garrett protested the change based on additional traffic and the parking situation's being bad at the present time.

Mr. Ogden stated this lot has never been used for residential and was not suitable for residential. Only one house in the area faces this location; the beautiful Smoot home mentioned cannot be seen from this site; he relisted the number of houses, rental units, and duplexes in the area. He did not want to be jeopardized because some one else used the streets for parking the overflow of their cars. This zoning would be an excellent transition between the

Commercial and Residential Area. At Councilman White's request, the Council decided to go look at this area, and decide as soon as possible.

J. H. TOUGHSTONE, JR.
et al, JOHN J. MCKAY
TRUSTEE, By Ed
Zimmerman

Tract 1
4301-4317 Springdale Rd.
4600-4616 Farm Hwy. 969

From "A" Residence 1st
Height & Area
To "GR" General Retail
2nd Height & Area
NOT Recommended by the
Planning Commission
RECOMMENDED "LR" Local
Retail 1st Height &
Area

Tract 2
4319-4323 Springdale Rd.

From "A" Residence 1st
Height & Area
To "C-1" Commercial 2nd
Height & Area
NOT Recommended by the
Planning Commission
RECOMMENDED "C-1"
Commercial 1st Height &
Area

Tract 3
4401-4501 Springdale Rd.

From "A" Residence 1st
Height & Area
To "GR" General Retail
2nd Height & Area
NOT Recommended by the
Planning Commission
RECOMMENDED "LR" Local
Retail 1st Height &
Area

The Planning Engineer explained the applicants were not aware of problems concerning the right of way of Springdale Road as included in the Transportation Study, stating the right of way of the proposed expressway on Springdale Road was planned to be taken from the City property on the west, but this land was acquired jointly by the F.A.A. and the City for airport purposes. Although the land is being used for golf course purposes, this use was approved by the F.A.A., but the fairways are less than 100' from the present street. About 120' of right of way would be needed, and it probably will have to come off the east side. The Mayor noted there was an interchange planned at this area and the I.L.S. was right in this location also. Councilman LaRue inquired if it would take quite a bit of time to resolve whether or not this property could be used for right of way. It was stated the property was purchased for clearance. Mayor Palmer asked if two or three weeks' postponement would unduly delay them. Mr. Avery stated his clients would cooperate with the City in any way, but he urged the Council to expedite this as soon as it could. The Mayor stated the Council would hold this in abeyance two or three weeks until the right of way could be cleared through various channels. The Planning Director said as soon as recommendation from the Planning Department was obtained, they would notify Mr. Avery and Mr. Zimmerman. The Council postponed decision.

The Mayor opened the hearing on the ordinance annexing KASSUBA BEACH. No one appeared to be heard. Councilman LaRue moved that the hearing be closed. The motion, seconded by Councilman Shanks, carried by the following vote:

Ayes: Councilmen LaRue, Shanks, White, Mayor Palmer
Noes: Councilman Long

Mayor Palmer brought up the following ordinance for its first reading:

AN ORDINANCE PROVIDING FOR THE EXTENSION OF CERTAIN BOUNDARY LIMITS OF THE CITY OF AUSTIN AND THE ANNEXATION OF CERTAIN ADDITIONAL TERRITORY CONSISTING OF 128 ACRES OF LAND, SAME BEING OUT OF AND A PART OF THE SANTIAGO DEL VALLE GRANT, IN TRAVIS COUNTY, TEXAS; WHICH SAID ADDITIONAL TERRITORY LIES ADJACENT TO AND ADJOINS THE PRESENT BOUNDARY LIMITS OF THE CITY OF AUSTIN, IN PARTICULARS STATED IN THE ORDINANCE.
(Kassuba Beach)

The ordinance was read the first time and Councilman LaRue moved that the rule be suspended and the ordinance passed to its second reading. The motion, seconded by Councilman Shanks, carried by the following vote:

Ayes: Councilmen LaRue, Shanks, White, Mayor Palmer
Noes: Councilman Long

The ordinance was read the second time and Councilman LaRue moved that the ordinance be passed to its third reading. The motion, seconded by Councilman Shanks, carried by the following vote:

Ayes: Councilmen LaRue, Shanks, White, Mayor Palmer
Noes: Councilman Long

Mayor Palmer brought up the following ordinance for its third reading:

AN ORDINANCE PROVIDING FOR THE EXTENSION OF CERTAIN BOUNDARY LIMITS OF THE CITY OF AUSTIN AND THE ANNEXATION OF CERTAIN ADDITIONAL TERRITORY CONSISTING OF 22.51 ACRES OF LAND, SAME BEING OUT OF AND A PART OF THE J. C. TANNEHILL LEAGUE, IN TRAVIS COUNTY, TEXAS; WHICH SAID ADDITIONAL TERRITORY LIES ADJACENT TO AND ADJOINS THE PRESENT BOUNDARY LIMITS OF THE CITY OF AUSTIN, IN PARTICULARS STATED IN THE ORDINANCE.

(Springdale Hills, Section 2)

The ordinance was read the third time and Councilman LaRue moved that the ordinance be finally passed. The motion, seconded by Councilman Shanks, carried by the following vote:

Ayes: Councilmen LaRue, Long, Shanks, White, Mayor Palmer
Noes: None

The Mayor announced that the ordinance had been finally passed.

Councilman Long offered the following resolution and moved its adoption:

(RESOLUTION)

WHEREAS, a certain easement was granted to the City of Austin for public utility purposes in, upon, and across a part of Lots 1 and 2, Block R, Royal Oak Estates, Section Two, a subdivision of a portion of the Thomas Eldridge Survey in the City of Austin, Travis County, Texas, according to a map or plat of said Royal Oak Estates, Section Two, of record in Book 12 at Page 27 of the Plat Records of Travis County, Texas; and,

WHEREAS, the owner of the above described property has requested the City Council of the City of Austin to release the hereinafter described easement; and,

WHEREAS, the City Council has determined that the hereinafter described easement is not now needed and will not be required in the future; Now, Therefore,

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF AUSTIN:

That the City Manager of the City of Austin be, and he is hereby authorized to execute a release of the following described public utility easement, to-wit:

A strip of land ten (10.00) feet in width, same being out of and a part of Lots 1 and 2, Block R, Royal Oak Estates, Section Two, a subdivision of a portion of the Thomas Eldridge Survey in the City of Austin, Travis County, Texas, according to a map or plat of said Royal Oak Estates, Section Two, of record in Book 12 at Page 27 of the Plat Records of Travis County, Texas, the centerline of said strip of land ten (10.00) feet in width being more particularly described as follows:

BEGINNING at the southwest corner of said Lot 1, same being the northwest corner of said Lot 2, which point of beginning is also in the east line of Coventry Lane;

THENCE, with the south line of said Lot 1, same being the north line of said Lot 2, South 88° 49' East 110.3 feet, more or less, to point of termination in the west line of an existing electric overhang easement ten (10.00) feet in width.

The motion, seconded by Councilman LaRue, carried by the following vote:
Ayes: Councilmen LaRue, Long, Shanks, White, Mayor Palmer
Noes: None

Councilman Long offered the following resolution and moved its adoption:

(RESOLUTION)

WHEREAS, a certain easement was granted to the City of Austin for public utility purposes in, upon, and across a part of Lot 4, Block B, A.N. McQuown Subdivision, a subdivision of a portion of Outlots 32, 33 and 34, Division C, of

the Government Outlots adjoining the Original City of Austin, Travis County, Texas, according to a map or plat of said Government Outlots on file in the General Land Office of the State of Texas; a map or plat of said A.N. McQuown Subdivision being of record in Book 4 at Page 298 of the Plat Records of Travis County, Texas; and,

WHEREAS, the owner of the above described property has requested the City Council of the City of Austin to release the hereinafter described portion of said easement; and,

WHEREAS, the City Council has determined that the hereinafter described portion of said easement is not now needed and will not be required in the future; SAVE and EXCEPT for an electrical and telephone aerial overhang easement to be retained in the City over and across the hereinafter described portion of said easement; Now, Therefore,

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF AUSTIN:

That the City Manager of the City of Austin be, and he is hereby authorized to execute a release of the following described portion of a public utility easement, SAVE and EXCEPT for an electrical and telephone aerial overhang easement to be retained in the City over and across the hereinafter described portion, to-wit:

57.5 square feet of land, same being out of and a part of Lot 4, Block B, A. N. McQuown Subdivision, a subdivision of a portion of Outlots 32, 33 and 34, Division C, of the Government Outlots adjoining the Original City of Austin, Travis County, Texas, according to a map or plat of said Government Outlots on file in the General Land Office of the State of Texas; a map or plat of said A. N. McQuown Subdivision being of record in Book 4 at Page 298 of the Plat Records of Travis County, Texas; which 57.5 square feet of land are more particularly described by metes and bounds as follows:

BEGINNING at the intersection of the west line of an existing public utility easement five (5.00) feet in width and a line 2.70 feet south of and parallel to the north line of said Lot 4, Block B, A. N. McQuown Subdivision, which point of beginning is the northwest corner of the herein described tract of land, and from which point of beginning the northeast corner of said Lot 4 bears North 07° 37' West 2.70 feet and North 82° 23' East 5.00 feet;

THENCE, with the said line 2.70 feet south of and parallel to the north line of Lot 4, North 32° 23' East 2.50 feet to a point in the centerline of said existing public utility easement five (5.00) feet in width for the northeast corner of the herein described tract of land;

THENCE, with the said centerline of an existing public utility easement five (5.00) feet in width, South 07° 37' East 23.00 feet to the southeast corner of the herein described tract of land;

THENCE, South 82° 23' West 2.50 feet to a point in the aforesaid west line of said existing public utility easement five (5.00) feet in width for the southwest corner of the herein described tract of land;

Ayes: Councilmen LaRue, Long, Shanks, White, Mayor Palmer
Noes: None

Mayor Palmer brought up the following ordinance for its second reading:

AN ORDINANCE GRANTING A FRANCHISE FOR THE OPERATION OF MOTOR BUSES ON CERTAIN STREETS OF THE CITY OF AUSTIN TO MONTOPOLIS COMMUNITY CENTER, INC., OF AUSTIN, TEXAS; PROVIDING MAXIMUM RATES TO BE CHARGED AND REPEALING ANY ORDINANCE WHICH MAY BE IN CONFLICT TO THE EXTENT OF THE CONFLICT.

The ordinance was read the second time and Councilman Long moved that the ordinance be passed to its third reading. The motion, seconded by Councilman LaRue, carried by the following vote:

Ayes: Councilmen LaRue, Long, Shanks, White, Mayor Palmer
Noes: None

Mayor Palmer introduced the following ordinance:

AN ORDINANCE AMENDING ORDINANCE NO. 650729-G PERTAINING TO CHANGE IN USE AND CHANGING USE MAPS ACCOMPANYING CHAPTER 39 OF THE AUSTIN CITY CODE OF 1954 FOR PROPERTY LOCALLY KNOWN AS 2913-2915 EAST 12TH STREET; AND SUSPENDING THE RULE REQUIRING THE READING OF ORDINANCES ON THREE SEPARATE DAYS.

The ordinance was read the first time and Councilman Long moved that the rule be suspended and the ordinance passed to its second reading. The motion, seconded by Councilman LaRue, carried by the following vote:

Ayes: Councilmen LaRue, Long, Shanks, White, Mayor Palmer
Noes: None

The ordinance was read the second time and Councilman Long moved that the rule be suspended and the ordinance passed to its third reading. The motion, seconded by Councilman LaRue, carried by the following vote:

Ayes: Councilmen LaRue, Long, Shanks, White, Mayor Palmer
Noes: None

The ordinance was read the third time and Councilman Long moved that the ordinance be finally passed. The motion, seconded by Councilman LaRue, carried by the following vote:

Ayes: Councilmen LaRue, Long, Shanks, White, Mayor Palmer
Noes: None

The Mayor announced that the ordinance had been finally passed.

The City Manager had a request from Mr. Dan Gardner, Presiding Judge of Precinct 226, for the use of the Tarrytown Fire Station for the Constitutional Amendments Elections in September and November. The usual polling place is Dill School, but the School will be in session on these dates. Councilman Long moved that the request be granted. The motion, seconded by Councilman LaRue, carried by the following vote:

Ayes: Councilmen LaRue, Long, Shanks, White, Mayor Palmer
Noes: None

Councilman LaRue moved that Travis County Water Control and Improvement District No. 5 be granted permission to transfer \$15,000 of its funds to make a bond payment. The motion, seconded by Councilman Long, carried by the following vote:

Ayes: Councilmen LaRue, Long, Shanks, White, Mayor Palmer
Noes: None

Councilman Long moved that the Council approve fogging on West James Street, Gibson Street and Bouldin Avenue, and on Ronson Street and 37th Street, as covered in the petitions. The motion, seconded by Councilman LaRue, carried by the following vote:

Ayes: Councilmen LaRue, Long, Shanks, White, Mayor Palmer
Noes: None

The City Manager announced that the Pro at Caswell Tennis Center had resigned and the Recreation Director has recommended MR. JERRY L. WALTERS for this position. The City Manager reviewed the arrangement of this type of employment, stating the salary was nominal, but the Pro had concession rights at the Tennis Courts with no gross receipts percentage to be paid to the City. The Recreation Director suggested that this be changed to a contract with the Pro, he being then an independent contractor, and the City giving him a base rate of compensation as a contractor and not as an employee. The City Attorney pointed out the present plan presents a number of unique complications as far as retirement and workmen's compensation are concerned. The Recreation Director stated the concession was a successful operation. Councilman Long inquired about the duties of this person. The Recreation Director stated the Pro manages the courts and collects the fees for the City. The Pro has no days off and long hours; and in the Recreation Budget is a small fund to give him, a little additional help. The Courts are open about 16 hours a day on four days a week. After discussion, Councilman LaRue moved that this Pro be engaged as an independent contractor. The motion, seconded by Councilman Shanks, carried by the following vote:

Ayes: Councilmen LaRue, Long, Shanks, White, Mayor Palmer
Noes: None

The City Manager reported that the Neeley Vending Machine Company asked to go up to 40 cents per pack on cigarettes to take care of the new tax and higher price on cigarettes. He then will pay the City six cents instead of five. Councilman Long inquired about Givens Park, where he proposed to go up to 40 cents and pay the City only four cents. It was her suggestion he pay six cents

on all of the cigarette machine locations. The Recreation Director stated this contract was on the two golf courses and not the swimming pool. The tax increase is three cents, and the vendor will get one cent, and the City one cent. Mayor Palmer asked if the same admission was charged at Givens Pool as at Northwest Pool. Charges listed were: Givens \$.30, Northwest \$.35, Barton \$.40.

Councilman Long moved that the Council amend the contract and that the City receive six cents at all of them. The motion, seconded by Councilman LaRue, carried by the following vote:

Ayes: Councilmen LaRue, Long, Shanks, White, Mayor Palmer
Noes: None

After discussion, Councilman Shanks moved that the Council reconsider the action just taken. The motion, seconded by Councilman LaRue, carried by the following vote:

Ayes: Councilmen LaRue, Shanks, White, Mayor Palmer
Noes: Councilman Long

Councilman Long moved to go back and discuss this further with this vendor. The motion lost for lack of a second.

Later in the meeting, Mr. Sheffield after talking with Mr. Neeley, reported Mr. Neeley would be glad to raise the City's receipts from four to five cents. These are two different contracts, (Golf Courses and Givens Swimming Pool) and the reason he did not include the Givens Pool was the low volume of business. Councilman LaRue moved that the City Manager be authorized to enter into an agreement with Mr. Neeley on the basis of six cents per pack at the Morris Williams Golf Course, and Municipal Golf Course. The motion, seconded by Councilman Long, carried by the following vote:

Ayes: Councilmen LaRue, Long, Shanks, White, Mayor Palmer
Noes: None

Councilman LaRue then moved that the Neeley Vending Machine Company be permitted to increase the cost per pack of cigarettes from \$.35 to \$.40 at the two golf courses. The motion, seconded by Councilman Shanks, carried by the following vote:

Ayes: Councilmen LaRue, Long, Shanks, White, Mayor Palmer
Noes: None

Discussion was held on cigarette machines at the pools. The Recreation Director stated Mr. Neeley had removed cigarette machines at all of the other pools, except at Givens and it has to be supervised to keep minors from purchasing cigarettes. The Mayor suggested that the Recreation Director find out more about this and the Council would vote on that next week.

The Council had before it an ordinance temporarily vacating streets around the Chamber of Commerce Building for the races as was covered last year except the effect is to cover it for two days, Saturday and Sunday, effective 6:00 A.M. Saturday as follows:

West Riverside Drive
Dawson Road
Barton Springs Road
Bouldin Avenue

Mayor Palmer introduced the following ordinance:

AN ORDINANCE VACATING AND CLOSING TO PUBLIC TRAVEL PORTIONS OF WEST RIVERSIDE DRIVE, DAWSON ROAD, BARTON SPRINGS ROAD AND BOULDIN AVENUE, IN THE CITY OF AUSTIN, TRAVIS COUNTY, TEXAS; FIXING THE DATE UPON WHICH VACATION AND CLOSING TO PUBLIC TRAVEL SHALL BECOME EFFECTIVE; SUSPENDING THE RULE REQUIRING THE READING OF AN ORDINANCE ON THREE SEPARATE DAYS AND DECLARING AN EMERGENCY.

The ordinance was read the first time and Councilman LaRue moved that the rule be suspended and the ordinance passed to its second reading. The motion, seconded by Councilman White, carried by the following vote:

Ayes: Councilmen LaRue, Long, Shanks, White, Mayor Palmer
Noes: None

The ordinance was read the second time and Councilman LaRue moved that the rule be suspended and the ordinance passed to its third reading. The motion, seconded by Councilman White, carried by the following vote:

Ayes: Councilmen LaRue, Long, Shanks, White, Mayor Palmer
Noes: None

The ordinance was read the third time and Councilman LaRue moved that the ordinance be finally passed. The motion, seconded by Councilman White, carried by the following vote:

Ayes: Councilmen LaRue, Long, Shanks, White, Mayor Palmer
Noes: None

The Mayor announced that the ordinance had been finally passed.

Councilman Long offered the following resolution and moved its adoption:

(RESOLUTION)

WHEREAS, the City Council deems it to be in the best interest of the public to dedicate and set aside as public streets and thoroughfares in the City of Austin, at 6:00 o'clock P.M. August 15, 1965, the hereinafter described portions of said streets; Now, Therefore,

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF AUSTIN:

That the portions of West Riverside Drive, Dawson Road, Barton Springs Road and Bouldin Avenue described below be and the same are hereby set aside and dedicated as public streets and thoroughfares, effective at 6:00 o'clock P.M. August 15, 1965, said portions of such streets being described as follows:

All that certain portion of a street in the City of Austin, Travis County, Texas, known as West Riverside Drive, which certain portion of West Riverside Drive extends from the east line of South Lamar Boulevard easterly to a point fifteen (15.00) feet east of the west line of South First Street;

All that certain portion of a street in the City of Austin, Travis County, Texas, known as Dawson Road, which certain portion of Dawson Road extends from a point twenty (20.00) feet south of the north line of Barton Springs Road northerly to the South line of West Riverside Drive;

All that certain portion of a street in the City of Austin, Travis County, Texas, known as Bouldin Avenue, which certain portion of Bouldin Avenue extends from a point twenty (20.00) feet south of the north line of Barton Springs Road northerly to the south line of West Riverside Drive;

All that certain portion of a street in the City of Austin, Travis County, Texas; known as Barton Springs Road, which certain portion of Barton Springs Road is more particularly described by metes and bounds as follows:

BEGINNING at the point of intersection of the west line of Dawson Road with the north line of said Barton Springs Road;

THENCE, with the north line of Barton Springs Road in an easterly direction, crossing Bouldin Avenue, to a point fifteen (15.00) feet east of the west line of South First Street;

THENCE, with the southerly prolongation of a line fifteen (15.00) feet east of and parallel to the west line of South First Street in a southerly direction to a point in a line twenty (20.00) feet south of and parallel to the north line of said Barton Springs Road;

THENCE, with said line twenty (20.00) feet south of and parallel to the north line of said Barton Springs Road, same being along the face of the north curb in said Barton Springs Road, in a westerly direction, across Bouldin Avenue intersection, to a point in the southerly prolongation of the said west line of Dawson Road;

THENCE, with the southerly prolongation of the west line of Dawson Road in a northerly direction to the point of beginning.

The motion, seconded by Councilman LaRue, carried by the following vote:
Ayes: Councilmen LaRue, Long, Shanks, White, Mayor Palmer
Noes: None

The Mayor asked that those in charge be notified that these streets will be open at 6:00 P.M., because there is a baseball game that night. The City Attorney stated they had been notified and they expected to have the streets cleared by 5:00 P.M.

The City Manager stated the Council had already adopted three resolutions authorizing him to file amendatory applications for the Community Renewal Program, but the Fort Worth Office has suggested a different wording, and he was submitting another resolution with the suggested wording, authorizing him to apply for this second amendatory application for Community Renewal. The final application is for \$123,069.

Councilman LaRue offered the following resolution and moved its adoption:

(RESOLUTION)

RESOLUTION OF THE CITY OF AUSTIN, TEXAS
AUTHORIZING THE FILING OF THE SECOND AMENDATORY APPLICATION FOR A COMMUNITY RENEWAL PROGRAM GRANT

WHEREAS under Title I of the Housing Act of 1949, as amended, the Housing and Home Finance Administrator is authorized to make grants for the preparation or completion of Community Renewal Programs, and

WHEREAS, the City of Austin filed such an application for a Community Renewal Program grant on May 11, 1961, in the amount of \$32,990 which was approved by the Housing and Home Finance Agency, and

WHEREAS, the City of Austin filed an amendatory application on October 11, 1963, for an increase of grant amounting to a total of \$73,790. which was approved by the Housing and Home Finance Agency, and

WHEREAS, the City of Austin desires to increase the scope of the work program of the approved Community Renewal Program and requests an increase of the grant amount authorized by the Housing and Home Finance Agency;

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF AUSTIN:

1. That the preparation of additional work items for the completion of the Community Renewal Program referred to above by the City of Austin is hereby approved.
2. That the financial assistance under Title I of the Housing Act of 1949, as amended, referred to above, is required to enable the City of Austin to finance the increased scope of the Community Renewal Program work program.
3. That the filing of the second amendatory application by the City of Austin for a total grant under Title I of the Housing Act of 1949, as amended, in an amount not to exceed \$123,069 to assist in financing of the completion of a Community Renewal Program for the aforesaid locality is hereby authorized and approved, and that the City Manager is hereby authorized and directed to execute and file such application with the Housing and Home Finance Administrator, to provide such additional information and to furnish such other documents as may be required by said administrator, and to act as the authorized representative of the City of Austin, Texas.

The motion, seconded by Councilman Long, carried by the following vote:
Ayes: Councilmen LaRue, Long, Shanks, Mayor Palmer
Noes: Councilman White

The City Manager stated there had been an inquiry from an adjoining property owner about purchasing property the City acquired at a tax sale. The City Attorney stated there would be no profit to the City; as it had bought the property as trustee for the taxing agencies. MRS. MARY LEE CANADY, owner of the property adjacent to this 47' lot in the 1100 Block of East 12th Street wants to buy this property, and no one else has expressed any interest. The taxes were between \$1,500 and \$1,600 and the School District, State, County, and City have a tax interest in this property. Councilman Long offered the following resolution and moved its adoption:

(RESOLUTION)

WHEREAS, by virtue of an order of sale issued out of the 53rd District Court of Travis County, Texas, in Cause No. 113,353, styled City of Austin v. Ada Richards Simmons, the hereinafter described property was sold for taxes by the Sheriff of Travis County, Texas, by deed of record in Volume 2169, Page 34, Deed Records of Travis County, Texas; and,

WHEREAS, Mary Lee Canady is desirous of purchasing the above described property; Now, Therefore,

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF AUSTIN:

That William T. Ward, be appointed as Commissioner, and he is hereby authorized to execute a quitclaim deed on behalf of the City of Austin and as Statutory Trustee for the State of Texas and County of Travis and Austin Independent School District conveying all of their right, title and interest in and to the above described property to Mary Lee Canady.

The motion, seconded by Councilman LaRue, carried by the following vote:
Ayes: Councilmen LaRue, Long, Shanks, White, Mayor Palmer
Noes: None

The City Manager stated the Council would recall that there was a cost accounting system at Brackenridge Hospital which determines pretty accurately the cost of operating the various departments of the Hospital, and the costs of the various services rendered in those departments. Some of the departments have been losing money. Charges made for services rendered have not been sufficient to off-set the cost, and it amounts to subsidizing in part the private or pay patients. Indigent care is provided for those who do not have ability to pay; but those who do have the ability to pay should pay their own way. Recommendations were made to the Hospital Board sometime ago, and the Board in turn recommended that the Council change the rates to provide for higher charges. The pay increase made last year in effect increased the costs; and in developing the new budget it appears this portion will be out of balance at the hospital unless these rates are changed.

MR. BEN TOBIAS, after distributing copies of their report, discussed six areas to be considered:

1. Increase in the Emergency Room from \$4.00 to \$5.00.

2. Daily Service Charge (Room Rates)

From \$14.00 to \$14.50	- For five rooms
From \$15.00 and \$15.50 to \$16.00	- For sixteen rooms
From \$17.50, \$18.50 and \$19.50 to \$20.00	- For thirty-five rooms
From \$20.50 to \$22.00	- For fourteen rooms

3. For semi-private rooms \$15.50 be set
(eliminating the \$12.00 and \$13.00 rates) - For eight rooms

The recommended increase covers 70 private rooms. These charges include food, housekeeping, laundry, maintenance, administration, and nursing services.

(Report on Recommended Increase in Rates dated August 6, 1965 on file under HOSPITALS - Brackenridge)

4. Recommended increased rates in the operating rooms to be as follows:

From present charge system

	<u>MINOR</u>	<u>MAJOR</u>	<u>MAJOR-MAJOR</u>
First hour	\$20.00	\$30.00	\$35.00
Each additional 15 min.	\$ 3.00	\$ 4.00	\$ 5.00

To the following recommended charges:

	<u>ALL PROCEDURES</u>	<u>OPEN HEART SURGERY</u>
First 30 minutes	\$25.00	\$45.00
Each additional 15 min.	\$ 7.50	\$10.00

The following procedures would not be charged in the above system but would be as follows:

At \$20.00 Flat Rate

Bronchoscopy
Esophagoscopy
Vasectomy
Closed Arteriogram (open arteriogram on operative time basis)
Pneumoencephalogram
Simple Cystoscopy (others on time basis)
Incomplete D. & C. (others on time basis)
Circumcision
Aortogram
Large dressing tray (Small, \$10.00)

At \$15.00 Flat Rate

Venesection
Gastroscopy
Paracentesis
Sub-Dural tap
Excision of cysts, warts, moles
Proctoscopy
Laryngoscopy
Steinman pin tray

At \$7.50

Spinal Puncture
Walking Iron added to cast

At \$5.00

Blood transfusion service
Electro-shock treatment
Insulin-shock treatment

Casts as follows:

	<u>LARGE</u>	<u>SMALL</u>
Long leg cast	\$20.00	\$12.00
Short leg cast	15.00	10.00
Long walking cast	25.00	12.50
Short walking cast	17.50	15.00
Body Cast	60.00	30.00
Bilateral Hip Spica	50.00	30.00
Single Hip Spica	30.00	20.00
Minimum Cast Charge		5.00

The Recovery Room be charged at \$5 first hour and \$2 per hour thereafter to a maximum of \$12.50.

Pins, Nails, Prosthesis be charged at our cost plus 10% for items over \$25 and cost plus 50% for items under \$25.

(Report on Recommended Increase Rates in the Operating Room dated April 8, 1965 on file under HOSPITALS - Brackenridge)

5. Recommended charge for delivery room to be increased from \$30.00 to \$40.00, and \$45.00.

Recommended increase for the Nursery from \$8.00 per day to \$10.00 per day.

(Report on Recommendation on Charges dated April 8, 1965 on file under HOSPITALS - Brackenridge)

6. Also recommended by the Advisory Board of Trustees was an increase at the T. B. Hospital to \$14.00 per day Daily Service charge.

(Report on Recommendation to Increase T.B. Hospital Charge dated May 29, 1965 on file under HOSPITALS - T.B.)

Detailed discussion covered points brought out by the various members of the Council and the Hospital Administrator who estimated the total Daily Service Charge increase would amount to over \$37,000.00. COUNCILMAN LONG'S interest was there was no need to increase the charges, as the Hospital was there as a service to the people and not as a private business. COUNCILMAN WHITE stated he was aware of the situation at the hospital, but suggested that these recommendations should have been sent out prior to the meeting so that the Council Members would have time to study them. In answer to Councilman White's question

as to the locations of the 35 rooms that are going to be increased to \$20.00 per day, MR. WALDO HILL stated there were some on all floors except in the west wing which would be torn down during the expansion. MAYOR PALMER wanted to be certain these charges were in line with other hospitals. It was stated they were in line; perhaps a little higher, but the services were better. It was pointed out no other hospital had the high percentage of occupancy that Brackenridge Hospital has. MR. TOBIAS said emergency patients which constitute a major portion of the Hospital load, require skilled people to take care of the emergency. People in the Emergency Room, Intensive Care, and General Units are competent and are able to take care of the patients. COUNCILMAN IARUE was concerned that other hospitals might feel taxpayers' money was being used to a disadvantage to them if less charges per room were made. Mr. Tobias believed the taxpayers in general might feel that way. If these proposed rates were not approved, a \$200,000 additional burden would be thrown on the taxpayer to support the private patients who are the major portion of the hospital load. The City Manager stated without these charges, an increase in taxes would be necessary. COUNCILMAN LONG said it looked as though there would have to be an increase in taxes anyway, as there would have to be a night court. The City Manager stated they were not recommending an increase in taxes. Mr. Tobias pointed out since 1962 there had been no increases in the Daily Service Charge; and in three years' time, expenses do go up, and he felt these charges were justified.

COUNCILMAN SHANKS stated he had heard more fine compliments on the Hospital in the last two years and less complaints than any time since he had lived here, and he commended Mr. Tobias particularly on that. Councilman IaRue joined Councilman Shanks in this commendation. Mayor Palmer noted most of these increased charges had been approved by the Board. The City Manager explained the expenses still did not take into account the interest on the investment in the Hospital, rent, or depreciation. Councilman Shanks said these new charges had been recommended by the Advisory Board and the City Manager. After more discussion, Councilman White moved that all of the recommendations before the Council be approved and to become effective immediately. The motion, seconded by Councilman Shanks, carried by the following vote:

Ayes: Councilmen IaRue, Shanks, White, Mayor Palmer
Noes: Councilman Long

Councilman Long made the following statement concerning her vote:

"No, I think this will work a hardship on the people that are ill and the rates we now have are high enough and these are higher rates than any other hospital in the City, and I think it is not right or fair, and I vote 'No'."

The City Manager distributed copies of the policies as suggested by the Town Lake Committee for the Lake, as requested by the Mayor last week. The Mayor stated these should be studied and something done on them next week. Councilman Long asked that Minutes of the Meeting at which the Council voted to discharge the Town Lake Committee from passing on publicly owned land work on private development be furnished the Council.

The Mayor read a letter addressed to all members of the Council, from MR. JAMES E. HESSE on Roxmoor Drive, concerning the sale of his home due to the zoning which would permit the Safeway Development across the street from them.

The Mayor had a letter from the Franklin Federal Savings and Loan stating several months ago they were granted five minute parking permission for two parking meters in front of their business, but they had requested two meters on the north side of 7th and Brazos, but did not receive permission on these two meters. The City Manager stated two spaces were all that any of the Savings and Loan Companies had; and in this particular location, there are a number of parking lots available. Councilman Long moved that this request for the two additional parking meters be denied. The motion, seconded by Councilman LaRue, carried by the following vote:

Ayes: Councilmen LaRue, Long, Shanks, White, Mayor Palmer
Noes: None

The Mayor read a letter from MR. GLENN V. RAMSEY, asking for a committee hearing of the Police Department, the study to include adequate size of staff, adequate salaries, proper training, equipment for crime detection, policing teen-age areas where they congregate and more professional development of resources.

The Mayor read a letter of thanks from MRS. WM. B. SAUNDERS to the Council for the time it contributes to the City. She commended Judge McFarlin on the competent handling of a case involving her son.

Councilman Long offered the following resolution and moved its adoption:

(RESOLUTION)

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF AUSTIN:

That W. T. Williams, Jr., City Manager, be and he is hereby authorized and directed to execute that certain Pipe Line License with Missouri-Kansas-Texas Railroad Company which is dated July 30, 1965. Said Pipe Line License for the installation of a twelve-inch (12") sanitary sewer pipe line crossing said Railroad Company's premises at an angle of 90° more or less, measured from the centerline of said Railroad Company's Austin Subdivision main track at Mile Post 949.53, being main track valuation chaining station 2192 plus 81, distant 2400 feet, more or less, measured southerly along the centerline of said main track from the centerline of Pile Trestle Bridge No. U-949.0, Travis County, Texas, in accordance with the terms and provisions of a certain pipe line license exhibited to the City Council; and,

BE IT FURTHER RESOLVED:

That the City Clerk is hereby directed to file a copy of said pipe line license in the permanent records of her office without recordation in the Minutes of the City Council.

The motion, seconded by Councilman LaRue, carried by the following vote:
Ayes: Councilmen LaRue, Long, Shanks, White, Mayor Palmer
Noes: None

The City Attorney reported the Sail Boat Concessionaire, MR. LOVING had found that the \$5.00 minimum charge for renting sail boats on Town Lake was not a good idea, because of calms, and because some people had found they did not know how to operate a sail boat or were afraid and he asked to be relieved of the obligation of making a \$5.00 minimum charge. Mr. Sheffield recommends that this charge be omitted from the contract. This does not affect the City's percentage. The concessionaire believes a charge of \$2.50 per hour to be more in line. Councilman LaRue moved that the City Manager be permitted to make this requested change in the contract. The motion, seconded by Councilman White, carried by the following vote:

Ayes: Councilmen LaRue, Long, Shanks, White, Mayor Palmer
Noes: None

The City Manager stated MR. LEONARD LUNDGREN has a report to make that the people he represents (Holiday Inn) have rejected the offer of the City to sell land without a warranty of title. They would be willing to pay the price if the City would warrant the title. The City Attorney stated one piece of the property had no adverse claim on it. Mr. Lundgren reported his clients felt with the type of structure they are proposing, the cost of the land and what they have invested, that the additional cost on the title should be included in the \$43,400. They are anxious to work out something, but they wanted to get some kind of guarantee as far as the deed was concerned. The clients believed it was the City's obligation to give a warranty deed. Mr. Lundgren said they were not in a position to wait for a long law suit if something could be worked out. Mayor Palmer asked if his clients realized there were large areas of streets that will be vacated if they acquired the land, and if they had taken that into consideration. Mr. Lundgren outlined very briefly the layout of the tract and discussed the height and area, and they were going to build under the present zoning. The City Attorney had suggested to Mr. Lundgren, that although he did not have the authority to commit the City that the Council might be willing to accept the \$43,560 including a restrictive covenant against the use of the City's own land to the west, to the south, and to the east of the property that he had against improvements that would obstruct his view, light or air or of the lake, and enter into an arrangement of the character of the one entered into with the Crest people, giving them an option to buy if the City should ever sell that property. All of that was to be a part of the consideration, if the Council would be willing to consider such. Mr. Lundgren reported none of these additional considerations were of any interest to them, and the only thing they were interested in was acquiring a warranty deed to the property plus the vacation of certain streets. Councilman LaRue asked if his clients were not interested in the option? Mr. Lundgren stated if he could have this in some kind of written form where he could resubmit this to them, they might accept it. He thought perhaps Mr. Wilson might be interested in this if it were definitely outlined just exactly what type of arrangement he would have. Councilman LaRue said this had a lot of merit, and he suggested that the City Attorney put it down in writing as a mere suggestion and not as the word of the Council, and they would have something to work from. The City Manager stated the factor of giving either a lease or option should be considered. If this particular parcel of land must be owned by Holiday Inn to provide parking space or other reasons to permit the construction of this building, it will either have to be owned in fee simple or be under a long term lease to last as long as the buildings. Councilman LaRue suggested that the City Attorney compose this agreement, not as the will of the Council, but as a matter of discussion. The City Manager stated he believed there was still opportunity

to explore the thing further and see what could be worked out. The City should keep in mind the parking requirements; and if a building is constructed, parking would be available. Mr. Lundgren said if he could get the information, he planned to go to Memphis, and they could study this if it were in writing. He stated he was willing to go whatever route possible. Mr. Lundgren said this was going to be an all electric high-rise building. Mr. Lundgren thanked the Council very much for its consideration.

There being no further business, Councilman White moved that the Council adjourn. The motion, seconded by Councilman LaRue, carried by the following vote:

Ayes: Councilmen LaRue, Long, Shanks, White, Mayor Palmer
Noes: None

The Council adjourned at 1:00 P.M. subject to the call of the Mayor.

APPROVED

L. E. Palmer
Mayor

ATTEST:

Elis Hoosley
City Clerk